

**OPINION**  
**59-214**

March 5, 1959           (OPINION)

OCCUPATIONS AND PROFESSIONS

RE: Abstractors - Authority - Place

This is in reply to your letter of February thirteenth in which you request an opinion on the question whether a certified abstractor having a place of business in one county may abstract titles of land and etc. in other counties in which he has no place of business. As you pointed out in your letter this question apparently is controlled by sections 43-0109 and 43-0115 of the 1957 Supplement to the North Dakota Revised Code of 1943.

The abstracting profession generally is governed by a board of abstractors, the members of which are appointed by the governor. Section 43-0105 of the N.D.R.C. of 1943 substantially provides that the board shall carry out the purposes and enforce the provisions of the chapter dealing with abstractors. The board is also authorized to make such rules and regulations as are necessary for the performance of its duties.

Under section 43-0116 subsection 1 the board may recall or annul a certificate of authority of an abstractor if he violates any provision of chapter 43-01. It would certainly seem that the board is empowered to police its own profession and if necessary to revoke the certificate or other authority to engage in the practice of abstracting. It also seems that the abstractor may engage in such business only in the county in which he has a place of business. In other words, he is only authorized to carry out his profession in the county in which he is authorized under his certificate in accordance with section 43-0115 of the 1957 Supplement to the N.D.R.C. of 1943.

Any person violating the provisions of chapter 43-01 may, of course, be reported to the board and the board may take such legal steps as provided for or permitted under the statutes to revoke or annul his certificate. In addition to the board's action, it is also noted that section 43-0120 provides for a criminal penalty.

In conclusion we would say that it is our opinion that while the abstractor is apparently limited to engage in his profession in the county in which he holds a certificate and has a place of business, the enforcement of the Act is generally entrusted to the board of abstractors. It would seem that the primary responsibility of policing its own profession rests with the board and should the board fail to act or otherwise assume its responsibilities resort to proper legal action may be had to accomplish this.

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